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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JENICE NICHOLAS,

Defendant.

CASE NO. 2:21-MJ-103-CKD

STIPULATION FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(D) AND EXCLUSION OF TIME AND
[PROPOSED] FINDINGS AND ORDER

DATE: July 29, 2021

TIME: 2:00 p.m.

COURT: Hon. Jeremy D. Peterson

Plaintiff United States of America, by and through its attorney of record, Special Assistant U.S. Attorney ROBERT J. ARTUZ, and Defendant JENICE NICHOLAS, both individually and by and through her counsel of record, JENNIFER J. WIRSCHING, hereby stipulate as follows:

1. The Complaint in this case was filed on June 25, 2021, charging Nicholas with one count of conspiracy to commit offenses against the United States, in violation of 18 U.S.C. § 371. Nicholas first appeared before a judicial officer of the Southern District of Florida on or about June 30, 2021, and was released on bond. She was ordered to make her first appearance in this district where the Complaint is pending. The Court in the Southern District of Florida did not set a particular date for her appearance in this district. A preliminary hearing date has not been set.

By this stipulation, the parties jointly move to set the defendant's first appearance in this district on July 29, 2021, at 2:00 p.m., via videoconference, before the Honorable Jeremy D. Peterson. Judge Peterson has agreed to accommodate the defendant's first appearance via video conference. The parties

also jointly move to set the preliminary hearing date on August 27, 2021 at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's collection and production of discovery and continuing investigation of the case. For example, the government is preparing to produce discovery relevant to this case, including over 1,000 pages of law enforcement reports, Social Security Administration records, bank records, photographs, and criminal histories. The government also anticipates producing multiple gigabytes of documents from multiple data extractions of the defendant and her co-defendant's electronic devices, which will be available to defense counsel for inspection. Defense counsel needs time to review and consider all the evidence and to conduct further investigation. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases. Therefore, the parties request that the time between July 29, 2021, and August 27, 2021 be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

IT IS SO STIPULATED.

Dated: July 23, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ ROBERT J. ARTUZ
ROBERT J. ARTUZ
Special Assistant U.S. Attorney

Dated: July 23, 2021

/s/
JENNIFER J. WIRSCHING
Counsel for Defendant
JENICE NICHOLAS

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JENICE NICHOLAS,

Defendant.

CASE NO. 2:21-MJ-103-CKD

FINDINGS AND ORDER EXTENDING TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUDING TIME

DATE: July 29, 2021

TIME: 2:00 p.m.

COURT: Hon. Jeremy D. Peterson

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on July 23, 2021. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The defendant's first appearance in this district shall be set on July 29, 2021, at 2:00 p.m.,

1 via videoconference, before the Honorable Jeremy D. Peterson.

2 2. The date of the preliminary hearing is extended to August 27, 2021 at 2:00 p.m.

3 3. The time between July 29, 2021, and August 27, 2021 shall be excluded from calculation
4 pursuant to 18 U.S.C. § 3161(h)(7)(A).

5 4. Defendants shall appear at that dates and times before the Magistrate Judge on duty.

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7 IT IS SO ORDERED.

8 Dated: July 23, 2021

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11 DEBORAH BARNES
12 UNITED STATES MAGISTRATE JUDGE
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